

Michael E. Gogna (Bar No.168144)
Amrit S. Kulkarni (Bar No. 202786)
MEYERS NAVE RIBACK SILVER & WILSON
401 Mendocino Avenue, Suite 100
Santa Rosa, CA 95401
Tel. 707-545-8009
Fax. 707-545-6617
E-mail: mgogna@meyersnave.com
akulkarni@meyersnave.com

Peter W. McGaw (Bar No. 104691)
John L. Kortum (Bar No. 148573)
ARCHER NORRIS
A Professional Law Corporation
2033 North Main Street, Suite 800
Walnut Creek, CA 94596
Tel. 925-930-6600
Fax. 925-930-6620
E-mail: pmcgaw@archernorris.com
jkortum@archernorris.com

Attorneys for Defendant
CITY OF HEALDSBURG

Jack Silver (Bar No. 160575)
LAW OFFICES OF JACK SILVER
Post Office Box 5469
Santa Rosa CA 95402-5469
Tel. 707- 528-8175
Fax. 707-528-8675
E-mail: lhm28843@sbcglobal.net

Attorney for Plaintiff
NORTHERN CALIFORNIA RIVER WATCH

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NORTHERN CALIFORNIA RIVER
WATCH, a non-profit Corporation,

Plaintiff

v

CITY OF HEALDSBURG,

Defendant.

Case No. C01 04686 WHA

**AMENDED STIPULATION AND ORDER
REGARDING PLAINTIFF'S CLAIM FOR
COSTS AND ATTORNEYS' FEES**

Judge: Hon. Wm. H. Alsup

1 WHEREAS on January 26, 2004 the Court issued an order and a judgment in this matter
2 awarding costs and attorneys fees in an undetermined amount to Plaintiff Northern California
3 River Watch under 33 U.S.C. 1365(d); and,

4 WHEREAS Plaintiff has filed a claim for such costs and attorneys fees; and,

5 WHEREAS the parties have met and conferred regarding said claim; and,

6 WHEREAS the parties wish to compromise and resolve the amount of Plaintiff's claim in order
7 to avoid further costs of litigation,

8 NOW THEREFORE the parties do hereby agree and stipulate as follows:

9 1. Plaintiff shall accept and Defendant City of Healdsburg shall pay the total sum of four
10 hundred eighty thousand dollars (\$480,000.00) as full and complete satisfaction of Plaintiff's
11 claim for all costs, litigation expenses, and attorneys fees incurred by or on behalf of Plaintiff in
12 this matter, whether claimed or not, exclusive of any costs, litigation expenses, and attorneys fees
13 that may be subsequently incurred in any appeal of any order or judgment in this matter or any
14 subsequent proceeding.

15 2. Said amount shall be payable by Defendant City of Healdsburg to Plaintiff Northern
16 California River Watch within thirty (30) days after this matter is complete and no further appeal,
17 petition for review, or further trial is possible.

18 3. The foregoing amount shall bear interest from January 26, 2004, until paid, at the rate
19 established under 28 U.S.C. 1961.¹

20 4. Defendant City of Healdsburg reserves the right to contest the judgment and any order
21 entered in this action, including the right to contest the award of costs, litigation expenses and
22

23 ¹ 28 U.S.C. section 1961 provides:

24 (a) Interest shall be allowed on any money judgment in a civil case recovered in a district court.
25 . . . Such interest shall be calculated from the date of the entry of the judgment, at a rate equal
26 to the weekly average 1-year constant maturity Treasury yield, as published by the Board of
Governors of the Federal Reserve System, for the calendar week preceding[.] the date of the
judgment. . . .

27 The interest rate cited above is the rate effective as of Friday, March 5 2004. It may be found at
<http://www.federalreserve.gov/releases/h15/data/wf/tcm1y.txt>.

attorneys fees, and, in the event any order or the judgment is reversed in whole or in any part that would impact Plaintiff's entitlement to recover costs, litigation expenses, and attorneys fees, no amount shall be payable under this stipulation and order. In this event, all parties reserve their respective rights to claim or contest any claim for costs, litigation expenses, and attorneys fees under 33 U.S.C. 1365(d) or otherwise; however, no such claim for the same costs, litigation expenses and attorneys fees addressed by this stipulation shall exceed the amount agreed to herein.

5. Each party expressly reserves the right to make a future claim under 33 U.S.C. 1365(d) for costs, litigation expenses, and attorneys fees for any actions taken with respect to any appeal or petition for review that has been or may be filed by Defendant City of Healdsburg, or for any future trial or other proceeding following such appeal or review that may occur. By entering into this stipulation, neither party acknowledges that the other party has or will have any right to make any such claim.

SO STIPULATED.

Dated: 12/27/07

ARCHER NORRIS

Peter W. McGaw
Peter W. McGaw *by Mr. to permissi*
Attorneys for Defendant
CITY OF HEALDSBURG

Dated: 12/21/07

MEYERS NAVE RIBACK SILVER & WILSON

Michael E. Gogna
Michael E. Gogna
Attorneys for Defendant
CITY OF HEALDSBURG

1
2 Dated: December 21, 2007

LAW OFFICE OF JACK SILVER

3
4 
5 JACK SILVER
6 Attorneys for Plaintiff
7 NORTHERN CALIFORNIA RIVER WATCH

8 **SO ORDERED**

9 Dated: January 8, 2008.

10 
11 WILLIAM H. ALSUP
12 UNITED STATES DISTRICT COURT JUDGE